

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

6/24/11 11:22:29
DK L BK 19 PG 446
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

V.

CIVIL ACTION NO. Co2011-114340

RONALD CARL BERRYHILL and
JUDY H. BERRYHILL

DEFENDANTS

LIS PENDENS NOTICE

TO THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI:

You are hereby notified that the Mississippi Transportation Commission is seeking to acquire by eminent domain and has this day filed a Complaint to acquire fee ownership in the lands described in Exhibit "A" attached hereto and incorporated herein.

The interested parties are:

- (1) MISSISSIPPI TRANSPORTATION COMMISSION, Plaintiff;
- (2) RONALD CARL BERRYHILL, Defendant; and
- (3) JUDY H. BERRYHILL, Defendant.

You are further requested to include this Notice and Exhibit "A" hereof in the Lis Pendens for records of said County as provided by law.

Submitted this the 24th day of June, A.D., 2011.

STATE OF MISS. DESOTO COUNTY
CERTIFIED A TRUE COPY

JUN 24 2011

DALE K. THOMPSON, CIRCUIT CLERK
BY Davis D.C.

FILED
DESOTO COUNTY, MS

JUN 24 2011



MISSISSIPPI TRANSPORTATION
COMMISSION

BY: JIM HOOD, ATTORNEY GENERAL

By: 

RICHARD G. NOBLE

MB #3868

Special Counsel

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080-3-00-W; 080-2-00-Q

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. _____

RONALD CARL BERRYHILL AND WIFE,
JUDY H. BERRYHILL

DEFENDANTS

EXHIBIT "A"

INDEXING INSTRUCTIONS: SE 1/4 of the NE 1/4 and the NE 1/4 of the SE 1/4 of Section 33, T-2-S, R-6-W, Desoto County, Mississippi.

The following descriptions are based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of .999954285 and a grid to geodetic azimuth angle of (+) 00 degrees 14 minutes 09 seconds developed at the approximate center of Project No. STP-0029-02(013) 102556/201000. It is the intent of this description to convey that portion of the Defendants' property lying within the proposed right-of-way lines as defined by said project.

RIGHT OF WAY

PARCEL 1

Commencing at a cotton picker spindle, found in the center of Highway 305, that is locally accepted as the northeast corner of Section 33, Township 2 South, Range 6 West, Desoto County, Mississippi, said point having a value of N 1955757.36, E 2447414.94 on the above referenced coordinate system, thence run South 00 degrees 16 minutes 44 seconds East a distance of 2536.68 feet to a 1/2 inch rebar set at the intersection of the existing east right of way line of Mississippi Highway 305 with the east line of that tract conveyed to the Defendants' by that certain deed of record found in book 243, page 775, of the records of the Chancery Clerk of Desoto County, Mississippi, and being the **Point of Beginning** of the herein described parcel;

- From said **Point of Beginning** thence continue along the east line of said tract, South 00 degrees 16 minutes 44 seconds East a distance of 142.78 feet a 1/2 inch rebar set at the southeast corner of said tract;
- thence along the south line of Defendants' property, North 89 degrees 58 minutes 52 seconds West a distance of 61.78 feet, to a 1/2 inch rebar set at its intersection with the existing east right of way line of Highway 305;
- Thence along the existing right of way, being 50 feet from the existing centerline of said highway, along a curve to the left a distance of 155.38 feet, having a radius of 1298.55 feet, a delta of 06 degrees 51 minutes 20 seconds, and a chord bearing North 23 degrees 10 minutes 02 seconds East for 155.28 feet to the **Point of Beginning**, containing 4170 square feet, (0.10 acres), more or less, and being situated in the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 33, Township 2 South, Range 6 West, Desoto County, Mississippi.

The above described PARCEL 1 is intended to convey all of Defendants' remaining property lying EAST of the existing Mississippi Highway 305 right of way.

PARCEL 2

Commencing at a cotton picker spindle, found in the centerline of Highway 305, that is locally accepted as the northeast corner of Section 33, Township 2 South, Range 6 West, Desoto County, Mississippi, said point having a value of N 1955757.36, E 2447414.94 on the above referenced coordinate system, thence run South 00 degrees 16 minutes 44 seconds East a distance of 2679.46 feet, more or less, to a 1/2 inch rebar set at the southeast corner of that certain tract conveyed to Defendants' in book 243, page 775 of the records of the Chancery Clerk of Desoto County, Mississippi; thence along the south line of the Defendants' property and an extension thereof, North 89 degrees 58 minutes 52 seconds West 174.27 feet, to a 1/2 inch rebar set on the existing west right of way line of Highway 305; thence along said existing right of way line, being 50 feet from the existing centerline, North 26 degrees 29 minutes 47 seconds East a distance of 11.26 feet to a 3/4 inch rebar found; thence along the existing right of way, along a curve to the left, a distance of 12.38 feet, having a radius of 1198.55 feet, a delta of 0 degrees 35 minutes 30 seconds, and a chord bearing North 28 degrees 10 minutes 01 seconds East for 12.38 feet to a 1/2 inch rebar set at its intersection with the Defendants' south property line (being the north line of a 21 foot strip previously less and excepted from Defendants' property as per deed found in Book 58, page 451), said point being the **Point of Beginning** of the property herein described;

- From said **Point of Beginning**, leave the right of way line and run along the Defendants' south property line, North 89 degrees 58 minutes 52 seconds West a distance of 69.66 feet to a 1/2 inch rebar set at its intersection with the proposed western right of way line for the above referenced project;
- thence leave the Defendants' property line and run along said proposed western right of way line North 02 degrees 41 minutes 16 seconds East a distance of 129.14 feet to a 1/2 inch rebar set at its intersection with the north line of the Defendants' property;
- thence leave the proposed western right of way line and run along said north property line, South 89 degrees 58 minutes 52 seconds East a distance of 122.33 feet to a 1/2 inch rebar set at its intersection with the existing west right of way line of Mississippi Highway 305;
- thence along the existing right of way, being 50 feet from the existing centerline of said highway, along a non-tangential curve to the right, a distance of 141.80 feet, said curve having a radius of 1198.55 feet, a delta angle of 7 degrees 22 minutes 14 seconds and a chord bearing South 24 degrees 28 minutes 54 seconds West for 141.72 feet to the **Point of Beginning**, containing 0.29 acre, (12,581 square feet), more or less, and situated in the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 33, Township 2 South, Range 6 West, Desoto County, Mississippi.

Together with any and all abutters rights of access, if any, in, to, over, on and across the above described parcel of land except that such remaining property shall have access to the frontage roads which are to be built in conjunction with, and connected to, the above referenced highway project at points established by public authority.

Parcel No. 1, and Parcel No. 2 contain an aggregate of 0.39 acres, (16,751 square feet), more or less.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.